IN THE UNITED STATES BANKRUPTCY COURT FOR
THE DISTRICT OF PUERTO RICO

IN RE:	
VICKY RODRIGUEZ TORRES	CASE NO. 09-10864 BKT CHAPTER 7
Debtor(s)	ADVERSARY NO. 10-00128
DONALD F. WALTON	
Plaintiff	
VICKY RODRIGUEZ TORRES	FILED & ENTERED ON 01/12/2011
Defendant(s)	

ORDER

The Motion to Dismiss the adversary proceeding pursuant to Fed. R. Civ. P. 12(b)(6) filed by Defendant on 11/26/2010 [Dkt. No. 29] is hereby DENIED on procedural grounds. Fed R. Civ. P. 12(b) clearly states that any motion asserting the listed defenses must be filed prior to a responsive pleading. The Defendant filed the answer to the complaint on 9/1/2010 [Dkt. No. 7].

SO ORDERED.

San Juan, Puerto Rico, this 12 day of January, 2011.

Brian K. Tester
U.S. Bankruptcy Judge

c: DEBTOR(S)
WILLIAM MELENDEZ
WIGBERTO LUGO MENDER
VICKY RODRIGUEZ TORRES